

HOUSE BILL 2570

By Curtiss

AN ACT to amend Tennessee Code Annotated, Title 3,
Chapter 7 and Title 12, Chapter 4, Part 1.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 7, Part 1, is amended by adding the following language as a new section:

Section 3-7-115. The fiscal review committee shall assess the effectiveness of the preference provisions of § 12-4-121 in relation to agricultural products purchased by state government departments and agencies. All state departments and agencies purchasing agricultural products shall cooperate with the fiscal review committee and provide such assistance and information as is necessary. The committee shall report its findings and recommendations to the speaker of the senate, speaker of the house of representatives and members of general assembly by March 1, 2010.

SECTION 2. Tennessee Code Annotated, Section 12-4-121, is amended by deleting the section in its entirety and by substituting instead the following:

Section 12-4-121.

(a) Notwithstanding any other law to the contrary, all departments and agencies making purchases of goods, including agricultural products, shall give preference to those produced or grown in this state or offered by Tennessee bidders as follows:

(1) Goods produced in this state or offered by Tennessee bidders shall equally be given preference if the cost to the state and quality are equal; and

(2) Agricultural products grown in this state shall be given first preference and agricultural products offered by Tennessee bidders shall be given second preference, if the cost to the state and quality are equal.

(b) If goods, including agricultural products, produced or grown in this state or offered by Tennessee bidders are not equal in cost and quality to other products, then goods, including agricultural products, produced or grown in other states of the United States shall be given preference over foreign products if the cost to the state and quality are equal.

(c) As used in this section, unless the context otherwise requires:

(1) "Agricultural products" includes textiles and other similar products; and

(2) "Tennessee bidder" means a business:

(A) Incorporated in this state;

(B) That has its principal place of business in this state; or

(C) That has an established physical presence in this state.

(d) The commission and all state agencies making purchases of vegetation for landscaping purposes, including plants, shall give preference to Tennessee vegetation native to the region if the cost to the state is not greater and the quality is not inferior.

(e) All departments and agencies procuring services shall give preference to services offered by a Tennessee bidder if:

(1) The services meet state requirements regarding the service to be performed and expected quality; and

(2) The cost of the service does not exceed the cost of other similar services of similar expected quality that are not offered by a Tennessee bidder.

(f) In accordance with § 3-7-115, the fiscal review committee shall assess the effectiveness of the bidding preferences established in this section for agricultural products purchased by state departments and agencies.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.